

# THE CITY OF WICHITA

## CENTRAL INSPECTION

**DATE:** February 5, 2007

**TO:** City Manager  
Members of the City Council

**FROM:** Ed Murabito, Chairperson of the Board of Code Standards and Appeals

**SUBJECT:** 2006 Annual Report of the Board of  
Code Standards and Appeals

The Board of Code Standards and Appeals consists of nine members and performs the functions set forth in Sections 18.04.015 and 20.04.160 of the Code of the City of Wichita. The summary of the activity is as follows:

### CONTRACTOR LICENSE APPLICATION REVIEWS:

| APPLICATIONS             | APPROVED |    |    | DENIED |    |    | TOTAL |    |    |
|--------------------------|----------|----|----|--------|----|----|-------|----|----|
|                          | 04       | 05 | 06 | 04     | 05 | 06 | 04    | 05 | 06 |
| Class D Maintenance      | 06       | 00 | 01 | 00     | 00 | 00 | 06    | 00 | 01 |
| Second License           | 01       | 03 | 02 | 00     | 00 | 00 | 01    | 03 | 02 |
| Qualified Person Change  | 00       | 01 | 00 | 00     | 00 | 00 | 00    | 01 | 00 |
| Renew without Testing    | 00       | 00 | 01 | 00     | 00 | 00 | 00    | 00 | 01 |
| Roofing and Siding       | 07       | 04 | 19 | 00     | 00 | 00 | 07    | 04 | 19 |
| Swimming Pool            | 00       | 01 | 01 | 00     | 00 | 00 | 00    | 01 | 01 |
| Wrecking                 | 04       | 00 | 02 | 00     | 00 | 00 | 04    | 00 | 02 |
| Fire Sprinkler/Standpipe | 01       | 00 | 00 | 00     | 00 | 00 | 01    | 00 | 00 |

### CONTRACTOR COMPLAINTS: LICENSE HEARINGS

1. The property owner of 2222 E. 2nd petitioned the Board to intervene in her behalf on the installation of a roof that she alleged was improperly installed on her home by Ed Glover d/b/a Glover Enterprises, Inc. After making a site inspection, the building inspector noted several code violations. After repeated attempts to contact Mr. Glover, both by phone and by certified mail, the matter was brought before the Board of Code Standards and Appeals for action.

As authorized in Title 18 of the Code of the City of Wichita, Kansas, the Board placed Mr. Glover's license on probation for thirty days. The Board directed Central Inspection to notify Mr. Glover of its action and to correct the violations on the roof in question within the thirty days, or the contractor's license would be suspended or possibly revoked, and Mr. Glover would be summoned to appear before the Board at the February meeting.

Prior to the February hearing, Mr. Glover acknowledged receipt of the letter informing him of the status of his license and the corrections that were required on the roof. As directed by the Board, Mr. Glover made all required corrections within the thirty-day period, at which time the Board allowed Mr. Glover's license to be re-instated to an active status.

2. Property owners of 9302 Jamesburg registered a complaint with the Board of Code Standards and Appeals regarding the 12 X 20 room addition constructed at their home by Mike Southard d/b/a Southard Corporation, and an employee of the Southard Corporation, Steve Henry. The owners were concerned about extreme settling of the addition and the damage caused to the walls of the addition because of the settling. Other concerns were voiced by the owners regarding the need for repairs to the foundation of the addition, the cost involved, and who would be responsible for the repairs and the payment.

After hearing from both the owners of the property and Mr. Southard, the Board determined that Southard Corporation had neglected to follow the instruction of the permit writer, who identified a potential problem with the foundation, and noted on the permit that a preliminary inspection of the foundation was required. Mr. Southard and Mr. Henry were in complete agreement with the Board's assessment and volunteered to make all necessary repairs to the foundation as recommended by a structural engineer to alleviate the problem with the foundation, and to do all work without cost to the owners. Pleased with the proposed resolution, the owners accepted the offer from Southard Corporation. The Board required that the work be completed within thirty days; either the expired permit be renewed, or a new permit obtained; and required inspections be promptly scheduled by the contractor. The matter was resolved to the satisfaction of the property owners within the thirty-day period.

3. Citing the failure to obtain the required permit and inspections for a carport constructed at 2724 N. Vassar by Ed Glover d/b/a Glover Enterprises, Inc., a complaint was filed against Mr. Glover's contractor's license by Central Inspection building inspection staff. After numerous attempts to reach Mr. Glover, or a representative of his company by phone, and additional attempts by certified correspondence, the inspection staff was unable to make contact with Mr. Glover. At that time, a review of Mr. Glover's license was requested. Given Mr. Glover's failure to respond to any phone calls or certified mail, the Board voted to revoke the license of Mr. Glover d/b/a Glover Enterprises, Inc., as authorized by Title 18 of the Code of the City of Wichita.
4. The Board of Code Standards and Appeals heard the complaints of two property owners who had contracted with Tim Henry d/b/a American Builders, L.L.C., for the construction of an addition at 1151 N. Hydraulic and a remodel of 1031 S. Christine. Each property owner stated their dissatisfaction with the length of time that Mr. Henry had taken to make any kind of progress on their respective jobs, and Mr. Henry's failure to complete the projects after receiving partial payment from one owner and complete payment from the other property owner. Mr. Henry addressed the Board, explaining the circumstances regarding both jobs, and assured the Board that he would take the necessary measures to correct the situation.

The Board voted to place Mr. Henry's license on probation for a period of one year and directed Mr. Henry to complete the job, for which he had already received full payment, within a sixty-day period. The Board determined that the complaint filed on the project for which only a partial payment had been remitted was beyond the Board's scope of authority since Mr. Henry had actually completed the work set out in his contract with that owner.

#### **NEW APPOINTMENTS:**

There were no vacancies on the Board.

#### **CONDEMNATION CASES:**

The Board of Code Standards and Appeals conducted a total of 69 hearings (new and review) on 51 properties. Of the 51 cases before the Board (all cases were new), 42 were not resolved through removal or repair at the Board level and were forwarded to the City Council for demolition action. One case was handled at the Board level; given the option of razing the structure or making the necessary repairs, the structure was demolished by the owner. There are seven cases that remain active at Board level.

#### **"UNFIT FOR HABITATION" CASES:**

The Board reviewed one property presented as "unfit for habitation." Originally an active housing case, the dwelling was occupied without the benefit of electrical, water and sewer service, and the condition of the structure was considered substandard in accordance with the guidelines set forth in Title 20.04.180. The Board declared the structure to be unfit for habitation and ordered that it be vacated and secured within thirty days.

#### **OTHER AGENDA ITEMS CONSIDERED/REVIEWED:**

1. A request was made by the property owners at 120 N. Westfield to allow their roofing contractor to forego the removal of the initial wood shingle roof and use it as solid decking for the new wood shake application. The Board approved the installation of titanium underlayment in lieu of standard felt underlayment, allowing the removal of two layers of wood shakes and leaving the existing wood shingles in place as decking, providing that the underlying wood shingles were in good condition.
2. Review of the 2003 International Existing Building Code ordinance amendment package was presented by Mr. Paul Hays, Senior Plans Examiner, Central Inspection. The proposed amendments were generally modifications that corrected the references noted in the rehabilitation code as relating to the other various codes enforced by the City of Wichita.

3. An overview of the proposed amendment package to the 2006 International Building Code was also presented by Mr. Paul Hays. For the most part, the changes would be less restrictive from a construction aspect without compromising the integrity of the code. Additionally, the proposed amendments would mirror the provisions required by the Americans with Disabilities Act, which is the accessibility regulation for the City of Wichita.
4. The proposed amendment package for the 2006 International Residential Building Code was reviewed as presented by Ms. Darlene Hultman, Interim Building Inspector Supervisor, Central Inspection. The provisions would maintain the less restrictive standards of the 2003 International Residential Code, and help to promote uniform code enforcement throughout the City of Wichita and surrounding jurisdictions.

**MEMBER ATTENDANCE (11 regularly scheduled meetings were conducted in 2006; a telephone poll replaced the May meeting because of the limited agenda):**

|            | <b>APPT. DATE</b>   | <b>PRESENT</b> | <b>ABSENT</b> | <b>TOTAL</b> |
|------------|---------------------|----------------|---------------|--------------|
| Banuelos   | 08/05 (reappointed) | 10             | 1             | 11           |
| Coonrod    | 08/05               | 10             | 1             | 11           |
| Harder     | 06/05 (reappointed) | 9              | 2             | 11           |
| Hartwell   | 08/05 (reappointed) | 8              | 3             | 11           |
| Hentzen    | 06/05 (reappointed) | 11             | 0             | 11           |
| Herzberg   | 08/05               | 6              | 5             | 11           |
| Murabito   | 06/05 (reappointed) | 9              | 2             | 11           |
| Willenberg | 06/05 (reappointed) | 10             | 1             | 11           |
| Youle      | 06/05 (reappointed) | 6              | 5             | 11           |

**MEMBER COMPOSITION (AS OF 01/01/2006):**

|                  |    |
|------------------|----|
| Total Members    | 09 |
| Males            | 09 |
| Females          | 00 |
| Whites           | 08 |
| African American | 00 |
| Mexican American | 01 |
| Other            | 00 |
| Vacancies        | 00 |

**FINANCE:**

|                 | <u><b>ACTUAL</b></u><br><b>2006</b> | <u><b>ESTIMATED</b></u><br><b>2007</b> |
|-----------------|-------------------------------------|--|
| Staff Time      | \$10,158.00                         | \$10,463.00                            |
| Travel Expenses | \$ 0.00                             | \$ 0.00                                |
| Office Supplies | \$ 1,759.00                         | \$ 1,812.00                            |
|                 | <hr/>                               | <hr/>                                  |
| Total           | \$11,917.00                         | \$12,275.00                            |

**EVALUATION:**

The ultimate goal of the Board of Code Standards and Appeals is building safety. This is achieved through the uniform enforcement of the codes and regulations of the City. In addition, the Board continues to review new products and construction procedures in an effort to allow the construction industry to offer a better product to the customer.

Staff from the Law Department, Fire Prevention and Central Inspection provided excellent support throughout the past year and maintained a high level of professionalism. Also, I would like to thank each Board Member for their performance of a valuable public service.

Ed Murabito, Chairperson  
Board of Code Standards and Appeals

Cc Scott Moore, Assistant City Manager/Operations  
Board of Code Standards and Appeals Record Book